

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 74 be amended to read as follows:

- 1 Page 5, line 20, delete "A" and insert "**Subject to subsection (e), a**".
- 2 Page 5, line 29, delete "declarant and" and insert "**declarant**".
- 3 Page 5, line 30, delete "guardian." and insert "**guardian, and the**
- 4 **alternate standby guardian, if any.**".
- 5 Page 5, line 32, delete "to be placed in the care and custody of the"
- 6 and insert "**for whom a standby guardian is designated by the**
- 7 **declaration:**".
- 8 Page 5, delete line 33.
- 9 Page 5, between lines 37 and 38, begin a new line block indented
- 10 and insert:
- 11 **"(3) A statement that the declaration becomes effective upon**
- 12 **the death or incapacity of the declarant.**
- 13 **(4) A statement that the declaration terminates ninety (90)**
- 14 **days after becoming effective unless the standby guardian**
- 15 **files a petition for a guardianship of the minor or protected**
- 16 **person during that ninety (90) day period.**".
- 17 Page 6, between lines 4 and 5, begin a new paragraph and insert:
- 18 **"(e) A declaration executed under this section must be**
- 19 **considered by, but is not binding upon, the department of child**
- 20 **services, a probation department, or a juvenile court for purposes**
- 21 **of determining the placement of a child who is the subject of:**

- 1 **(1) an allegation of child abuse or neglect under IC 31-33;**
- 2 **(2) an open child in need of services case under IC 31-34; or**
- 3 **(3) an open delinquency case under IC 31-37."**

(Reference is to SB 74 as printed January 19, 2011.)

Senator ZAKAS